

Remarks/Arguments

In response to the objection to the declaration, the undersigned has examined the executed copy of declaration submitted on October 18, 2005, in Applicant's file for this application and determined that the copy in Applicant's file does not have any handwritten alterations. However, the copy available on public PAIR does have a handwritten note relating to the Applicant's state of residence. Applicant believes that the handwritten note was made at the PTO and was not present on the declaration submitted to the PTO. Therefore, no new declaration should be required. Accordingly, Applicant requests withdrawal of the objection to the declaration.

Applicant submits that the amendments to claims 4 and 12 overcome the objection to these claims. Therefore, withdrawal of the objection is requested.

Claims 2-3, 6-11 and 14 were rejected under 35 USC 112, second paragraph. Applicant submits that the amended claims overcome the basis stated for this rejection. Therefore, Applicant requests withdrawal of this rejection.

The cancellation of claims 5 and 13 renders moot the rejection of these claims under 35 USC 112, second paragraph.

Claims 6 and 9 were rejected under 35 USC 112, second paragraph. Applicant submits that the amendment to claim 2 overcomes the basis stated for this rejection. Accordingly, withdrawal of this rejection is requested.

Claim 8 was rejected under 35 USC 112, second paragraph. Applicant submits that the amendments to claim 8 overcomes the basis stated for this rejection. Accordingly, withdrawal of this rejection is requested.

Claim 14 was rejected under 35 USC 112, second paragraph. Applicant submits that the amendments to claim 10 overcomes the basis for this rejection. Accordingly, withdrawal of this rejection is requested.

Claims 2-9 were rejected under 35 USC 103(a) over Hunter et al in view of Altmann et al and Cecil's Textbook of Medicine (hereinafter "Cecil's"). Applicant requests reconsideration and withdrawal of this rejection for the reasons that follow.

Applicant believes that the most relevant portions of Hunter et al disclose polymeric pharmaceutical compositions that provide for prolonged, local delivery of an antiangiogenic agent. The reference teaches that such polymeric pharmaceutical compositions are used for things like blocking an artery in embolization therapy, meshes which release drug after surgical resection and for stents to open blocked ducts.

The Examiner cites page 11, paragraph 0130, of Hunter et al which suggests that parathyroid adenomas could be treated by catheter embolization with the disclosed polymeric compositions. It is clear from Hunter et al that the presence of the antiangiogenic agent in the polymeric composition used to block the artery may improve the effect of the embolization by preventing the growth of new blood vessels which could by-pass the blockage. However, the treatment described by Hunter et al is the blocking of the artery to cut the blood supply, not the administration of an antiangiogenic compound.

In contrast, the administration of the epothilone compound is the treatment according to the present claims; with treatment being defined at page 3, first paragraph, of the present specification as achieving one or more specific physiological effects. Nothing in Hunter et al would lead the skilled artisan to expect that those effects could be achieved by the administration of an antiangiogenic compound. Therefore, Hunter et al does not suggest the presently claimed invention.

Since the secondary references do not provide a disclosure which overcomes the deficiencies of Hunter et al discussed above, the present claims are patentable over the combined disclosure of the references. Therefore, withdrawal of this rejection is requested.

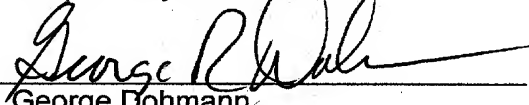
Claims 10-14 were rejected under 35 USC 103(a) over Hunter et al in view of Altmann et al and Cecil's. Applicant submits that claims 10-14 are patentable over the combined disclosure of the references for the same reasons as discussed above with respect to claims 2-9. Therefore, withdrawal of this rejection is also requested.

Entry of this amendment and reconsideration and allowance of the claims are respectfully requested.

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Date: February 19, 2010

Respectfully submitted,

A handwritten signature in black ink, appearing to read "George Dohmann", written over a horizontal line.

George Dohmann
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